

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSEPH GARCIA,

Plaintiff,

vs.

Civ. No. 16-1294 KG/CG

BERNALILLO COUNTY *ex rel.*
METROPOLITAN DETENTION CENTER, *et al.*,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

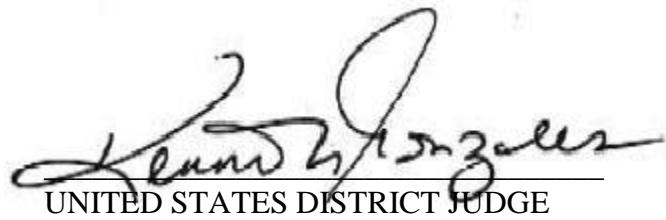
On May 9, 2017, the Honorable United States Magistrate Judge Carmen E. Garza entered an Order Granting Motion to Compel (Doc. 29) directing Plaintiff “to fully respond to Defendants’ discovery requests. Failure to comply with this order may result in dismissal of this action. Fed. R. Civ. P. 37(b)(2)(v).” Plaintiff did not respond to Defendants’ discovery requests. Consequently, on May 16, 2017, Defendants filed a Motion to Dismiss for Failure to Comply With Discovery Obligations (Motion to Dismiss) (Doc. 30). Plaintiff has failed to respond to Defendants’ Motion to Dismiss. Plaintiff has also not filed any additional pleadings since termination of his attorney on March 24, 2017. (Doc. 26).

This action will be dismissed without prejudice for three reasons. First, as previously warned, Plaintiff’s failure to obey the Order Granting Motion to Compel now results in dismissal of this action. Fed. R. Civ. P. 37(b)(2)(v). Second, Plaintiff’s failure to respond to the Motion to Dismiss constitutes consent to grant the motion. D.N.M. LR-Cv 7.1(b). Finally, the Court has the inherent power to dismiss an action for want of prosecution. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962); *Shotkin v. Westinghouse Electric Mfg. Co.*, 169 F.2d 825, 826 (10th Cir. 1948); Fed. R. Civ. P. 41(b). For the above reasons,

IT IS ORDERED that

1. the Complaint (Doc. 1-1) is dismissed without prejudice; and
2. Defendants may file a motion for an award of attorneys' fees and costs within 30 days

of the filing of this Order of Dismissal Without Prejudice.



A handwritten signature in black ink, appearing to read "Kandis Jones", is written over a horizontal line. Below the line, the text "UNITED STATES DISTRICT JUDGE" is printed in a standard font.

UNITED STATES DISTRICT JUDGE